

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, June 12, 2013
Wayzata City Hall

1. CALL TO ORDER

Baasen called the meeting to order at 7:03 p.m.

2. ROLL CALL

Members present: Dan Baasen, Wayzata; Andrew McDermott, Orono; Gary Hughes, Spring Park; Jay Green, Mound; David Gross, Deephaven; Ann Hoelscher, Victoria; Anne Hunt, Minnetrista; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Jeff Morris, Excelsior; Rob Roy, Greenwood; Sue Shuff, Minnetonka; and Mark Sylvester, Shorewood. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: Doug Babcock, Tonka Bay

3. APPROVAL OF AGENDA

MOTION: McDermott moved, Hughes seconded to approve the agenda as amended (adding agenda item 9E to consider a Commercial Contract for Exclusive Right to Represent the LMCD in the renegotiation of the current office lease and/or the research and negotiation of a relocated office lease).

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Vice Chair Baasen

Baasen made two chair announcements. First, he directed the Board to a Save the Lake Boater Education Safety Subcommittee meeting summary, dated 6/10/13 (provided within their handout folders). He asked the Board to take a minute and review the information prior to discussion of this topic under agenda item 10. Second, he acknowledged the consideration of the draft 2014 LMCD budgets (under item 9C) will provide for some in-depth discussion based on the consideration of two options and the presentations to the member cities (individually by the respective Board members, as well as Nybeck personally presenting at seven of the 14 member city council meetings). He expressed the importance of considering what is best for the LMCD.

Nybeck stated that a sympathy card was being passed around for the family of former LMCD Board member and chair Tom Maple. Maple was appointed by the City of Deephaven from 1971 to 1979; serving as the chair from 1976. Maple also served as a Board of Manager for the Minnehaha Creek Watershed District and was a long time member of the Minnetonka Yacht Club. He stated funeral arrangements were provided with the card and that staff would also email the arrangements out.

5. APPROVAL OF MINUTES – 5/22/13 LMCD Regular Board Meeting

MOTION: McDermott moved, Green seconded to approve the minutes from the 5/22/13 Regular Board Meeting as submitted.

VOTE: Ayes (12), Abstained (1, Gross); motion carried.

6. APPROVAL OF CONSENT AGENDA

Nybeck directed the Board to an amended Audit of voucher (agenda item 6A) within their handout folder, which included the following two additional checks: 1) #19682 to Digital Print Distribution in the amount of \$1,493.91 for the Save the Lake solicitation letter postage and 2) #19683 to Odditee's Corporation in the amount of \$105.06 for t-shirts for the harvesting employees.

MOTION: Gross moved, McDermott seconded to approve the consent agenda as amended, incorporating the changes noted by Nybeck above. Items approved included: **6A**, Audit of vouchers (6/1/13 – 6/15/13); **6B**, **Dan and Anne Baasen**, draft Findings of Fact and Order approving a dock length variance at 912 East Shady Lane in Wayzata Bay; **6C**, **City of Minnetonka Beach (Dock Site #10)**, approval of draft Findings of Fact and Order amending an approved Variance Order, dated 3/25/09; and **6D**, **FP Mailing Solutions**, approval of Customer Agreement for rental of postage machine, as outlined in staff memo dated 6/5/13.

VOTE: Ayes (12), Abstained (1, Baasen; agenda item 6B only); motion carried.

7. PUBLIC COMMENTS- Persons in attendance, subjects not on the agenda (limited to 5 minutes)

There were no public comments.

8. PUBLIC HEARING

There were no public hearings.

9. OTHER BUSINESS

A. **Marcel and Jodi Schwendimann**, discussion of petition for Quiet Water Area on Smiths Bay

Baasen asked Nybeck for an overview of this agenda item.

Nybeck directed the Board to: 1) a letter from Marcel and Jodi Schwendimann (dated 5/23/13) requesting a Quiet Water Area (QWA) on Smiths Bay and 2) a copy of the LMCD's QWA policy. He provided the following information:

- An overview of the approved 1986 QWA Policy, in which a QWA is established by LMCD Code. Additionally, he outlined seven consideration points provided within the policy.
- The Schwendimann's have submitted a QWA request for the placement of minimum wake buoys in the vicinity of their home (on the east side of the Arcola Bridge).
- The following recommended discussion points for the Board to consider in reviewing this request: 1) the question as to whether the Board is interested in further considering this request, 2) whether it should be referred to the Public Safety Committee, and 3) the need to direct staff to observe the

- area three times during the 2013 boating season and report back to the Board (if considered).
- Confirmation that he communicated to the Schwendimann's that any such request would most likely not take place until the 2014 boating season.
- He reviewed the area and currently placed slow wake and speed channel buoys.
- He entertained questions and comments from the Board.

The Board asked questions and/or provided comments, as summarized below:

- Confirmation that there are slow wake buoys on both the east and west side of Arcola Bridge, in which Nybeck provided further definition of the defined area.
- Klohs stated that he had spoken with the Schwendimanns, as well as current City of Minnetonka Beach Finance Committee Co-Chair Mike Bloom. Bloom believed the QWA has shrunk over the years (becoming shorter and shorter). Therefore, he believed consideration of this matter could be as simple as confirming and re-adjusting the placement of the slow wake buoys to their originally approved location.
- Many of the Board members believed the current buoy placement is confusing to the public (slow wake then speed up to additional slow wake buoys by the bridge area).

Baasen invited Lt. Saunders from the Hennepin County Sheriff's Water Patrol to address the Board on this matter.

Lt. Saunders stated that Green had asked him to provide statistical information on incidents (all inclusive, i.e., speeding, pfd, gunwale violations, etc.) that have been documented in the areas of Lower Minnetonka Beach (10) and Smiths Bay (64). Those incidents were documented from April 1, 2011 to present. Additionally, he was asked to look at lake-wide incidents during that same time period (3,356); acknowledging that the subject area provides for an estimated 2% of the calls documented. He entertained questions and comments from the Board, in which he offered the following information: 1) he was unsure how many individuals run onto the rock bed in the subject area and 2) recommended including Tony Brough from Hennepin County Environmental Services (managing agency over the placement of the buoys) in the consideration of this request and various options offered for the buoys' relocation.

Nybeck stated that Brough serves on the Public Safety Committee should the Board decide to send this request to the committee for review and consideration. A copy of the 1994 ordinance (establishing the subject QWA) was provided within the Board's handout folder, in which he described, to the best of his abilities, the location for the placement of the buoys. Lastly, he stated that Mr. and Mrs. Schwendimann were in attendance, in which he recommended they be provided an opportunity to address the Board.

Baasen invited the Schwendimann's to address the Board.

Ms. Jodi Schwendimann, 1931 Beach Lane in Minnetonka Beach, spoke on behalf of her and her husband (Marcel). She stated they live 10 houses down from the Arcola Bridge. She stressed the need for the QWA by reviewing various safety concerns witnessed on a regular basis (i.e., the wrecking of many boats based on the existence of large rocks in the area, inexperienced boaters that are following the lead of other inexperienced boaters, she believed this area was one of the busiest channels on the

Lake, wakes swamping smaller boats, and large watercraft coming in at full speed on a regular basis). She welcomed all to sit on their dock and witness what she had documented.

Klohs reviewed a historical aerial map of the documented buoy placement locations. He believed that this documented the original intent of their placement (200 feet longer than presently located), which could potentially be corrected yet this boating season.

Green asked Schwendimann to further clarify the need for slow wake buoys from the Arcola Bridge to Big Island (as noted in the second paragraph of their request).

Schwendimann stated that on busy days, they have waited for up to 15 minutes to navigate their watercraft from the dock into the "freeway." She reiterated the constant recklessness of boating behavior in that area. She was open to receiving an expert's opinion on the recommended length of the slow wake request, as well as the consideration for such use on specific days of the week (i.e., Saturday and Sunday). She further documented the: 1) loss of dock sections due to the watercraft operator's lack of knowledge as to which side of the buoy to navigate from and 2) that the three point buoys in front of their dock are confusing to the public.

Green acknowledged her concerns, expressed the importance of making sure there is a need for the establishment of additional QWAs, and that there were higher statistical documentation of incidents in other locations of the Lake.

Klohs believed research should confirm the location of the currently installed buoys could be moved to their original, intended location (providing for continued assessment and consideration in establishing a QWA this fall/winter).

MOTION: Gross moved, McDermott seconded to refer the QWA request to the Public Safety Committee for consideration, with Brough assessing the buoys' current placement in the interim.

Morris recalled the days (19 years ago) when the subject channel did not have any buoys. He stated this may be the perfect example of doing something that made a matter worse. He asked the Public Safety Committee to keep this in mind when considering the request.

VOTE: Motion carried unanimously.

B. MCWD, update on USGS Zequanox Trials on Robinsons Bay

Baasen asked Nybeck for an overview on this agenda item.

Nybeck directed the Board to a memorandum from the Minnehaha Creek Watershed District (MCWD), dated 6/12/13, in which it provided an overview of that agency working in coordination with the United States Geological Survey (USGS) to perform a Zequanox Trial on Robinson Bay. He highlighted the following information:

- Zequanox is a biopesticide manufactured by Marrone Bio Innovations, which is currently working towards getting an Environmental Protection Agency's (EPA) approval to label its use in open water (currently labeled for enclosed industrial systems).
- It is a strain of dead bacteria that is intended to manage, or potentially kill, zebra mussels.
- He reviewed a list of six partnering agencies and their respective contributions.
- The deployment of 80 substrate samplers on Tuesday, June 11th (with assistance from Tonka Bay Marina); providing for their logistical placement and markings. He stated the samplers will remain until August, at which time they will be relocated within the bay area. Zequanox treatments are planned for September with the removal of the samplers in October.
- LMCD Code requires the issuance of a temporary structures permit, which is typically issued by the Water Patrol. He questioned if this was something the Board would like to address; acknowledging the worthwhile program taking place.
- The MCWD has offered to coordinate an update to the Board at a future meeting, in which representatives from the partnering agencies could be present, as well.
- He entertained general questions and comments from the Board.

Green believed the LMCD should not only support Lake Minnetonka projects, in general, but also be actively involved, as well (referencing an article on the Zequanox Trials in the *Minnetonka Patch* that noted the LCMD's lack of involvement).

Nybeck responded to the following questions: 1) MCWD AIS Director Craig Dawson contacted Deephaven City Manager Dana Young in an effort to notify bay residences, 2) the LMCD's AIS Task Force expressed an interest in providing a map of the test site area, as well as the scheduling of an educational public meeting, and 3) the project would provide minor affects to the Lake's usage (i.e., snagging of a fisherman's line or rafting use; acknowledging the substrates are delineated by buoys and in deeper water).

C. Approval of draft 2014 LMCD Budget

Baasen asked Nybeck for an update on this agenda item.

Nybeck directed the Board to his staff memo, dated 4/26/13, which was presented to the member cities prior to the scheduled budget review session on June 6th. He believed it was beneficial to present the PowerPoint presentation that was utilized in his presentation of the draft budget to the member cities. The following comments were offered:

- He provided an overview of the 2014 LMCD Budget process, including acknowledgement of the budget review session that was held on June 6th in the LMCD office for the public and the 14 member cities (three Board members and Minnetonka City Manager Geralyn Barone attended).
- He stated that the two draft options were being presented at this Regular Board meeting for review and approval; providing for the ability to have a final review by the Board at their June 26th meeting. The LMCD is required to submit an adopted budget to the member cities by July 1st (with Nybeck coordinating the drafting of a cover letter with Hughes).
- The listing of seven member cities in which he personally presented the draft 2014 LMCD Budget

(Options 1 and 2).

- A detailed overview of the process involved in the adoption of the LMCD's Comprehensive Eurasian Watermilfoil and Curly-Leaf Pond Weed Plan (Plan) and how the funding of that Plan was addressed within Option #2.
- A detailed overview of all aspects offered in each budget option; highlighting the differences.
- An overview of historical LMCD levies from 2007-2013, with percentage changes.
- He reiterated the need to present an adopted budget by July 1st; soliciting the Board's interest in whether or not an agenda item for the final review of the budget needed to be scheduled for its consideration on June 26th.
- He entertained questions and comments from the Board.

The Board discussed the two draft budget options in detail; offering the following comments:

- Hunt believed that the Board provided previous direction to remove the \$25,000 earmarked as a transfer from the Administrative Reserve to the Equipment Replacement Line Item in Option #1 and questioned why it was presented in both options.

Nybeck directed the Board to Footnote #15 of both budget options. He provided an overview of the Board's direction in individually budgeting for such (providing for the additional funding in Option #2 for herbicide treatment funding). He confirmed the \$25,000 was presented in both options, in which he did not recall receiving previous direction from the Board for its removal from Option 1.

Morris concurred with Nybeck; acknowledging the discussion held in maintaining the Equipment Replacement funding level. Additionally, he believed the replacement funds needed to be documented in both draft options in order to continue maintaining that level.

Roy urged the Board to establish a depreciation schedule for all LMCD equipment (especially the harvesters). He was not comfortable placing a value of \$25,000 for this need without formal documentation to support that amount. He believed the LMCD needed to do a better job in establishing a Capital Improvement budget for the 2015 budget year and beyond.

- Baasen acknowledged the importance in the Board's communication on the draft budget options with their respective member city, including the need to document there was a second budget option offered, as well as not wanting to ignore the findings offered from the five year, three bay herbicide treatment pilot project. He expressed the need to address the funding of herbicide treatments and the receipt of financial backing from the member cities' community.

Morris believed that the five year project was worthwhile (showing merit and effectiveness) and he would be open to other studies that come forward. He stated that he and the City of Excelsior concurred with municipal funding for aquatic invasive species (AIS). However, he was unsure if that funding needed to be funded through the LMCD; providing for the individual cities to contribute based on their interest. He believed the LMCD does have the responsibility to be involved in the coordination of herbicide treatments.

Gross stated the City of Deephaven believes the LMCD needs to have a role in herbicide treatments. They were not happy with the Lake Minnetonka Association (LMA) taking over the whole bay herbicide treatment projects and would like the LMCD to be involved in some function. Additionally, he stated the city was happy to approve the \$55,000 line-item for this project, subject to those funds being directed solely for herbicide treatments.

MOTION: Gross moved, Sylvester seconded to adopt the draft 2014 LMCD Budget (Option 2), subject to the \$55,000 line-item for whole bay or large scale herbicide treatments be: 1) placed in a reserve fund until needed and 2) expended on a dedicated LMCD directed herbicide treatment project.

Green stated that the LMCD receives many in-kind services from partnering stakeholders (i.e., a free boat slip that is currently not quantified within the LMCD budget). He expressed an interest in quantifying all in-kind services within future LMCD budgets. He anticipated a split vote on the motion at hand (expressing his difficulty in requiring member cities to pay for a project that they do not receive benefit from and the fact that the expenditure of those funds are unknown).

Baasen stated that if Option #2 were adopted, he believed that the Board would receive documentation of concern from some of the member cities. He believed that those concerns could be considered under a scheduled agenda item for June 26th.

Gross stated that he proposed the motion because he believed it would provide for a healthier lake that all member cities benefit from.

Hughes questioned parliamentary options in moving to amend the original motion, in which LeFevere provided an overview of.

Hoelscher stated that the City of Victoria would not receive benefits from any recommended management areas for whole bay herbicide treatments that were outlined in the Plan. However, upon her and Nybeck's presentation to the city council, they supported Option #2 based on what they believe was the best option in maintaining the quality of the Lake.

Shuff stated the City of Minnetonka supports Option #1 due to having to pay a disproportional levy (based on the amount of lakeshore offered within their jurisdiction and the need to cut other areas of their budget to accommodate such).

Green perceived that if Option #2 was adopted, herbicide treatment funding may be potentially lessened once former contributors see that the funds are being provided directly to the LMCD.

Sylvester stated the City of Shorewood estimates an increase of \$7,000 in their levy payment should Option #2 be adopted. The city currently contributes to the LMA an estimated \$7,000 for herbicide treatments (perceiving Option #2 as a zero percent gain). The city believed that the LMCD should be the coordinator of any herbicide treatment projects but not necessarily the direct manager of the day-to-day operations.

Klohs believed the Board had not provided formal action as to where the additional funds provided in Option #2 would be expended. Baasen, McDermott, and Morris confirmed that the Board did via the motion offered and the adoption of the Plan that listed the suitable management areas that could be treated.

Green confirmed that the decision to pull the funding from the comprehensive Plan was so that it could be considered during the normal budget process, which is now being considered under Option #2.

Klohs asked how the adoption of Option #2 would dovetail with the Minnehaha Creek Watershed District (MCWD) and the respective grant agreement for the funding of the LMCD's Watercraft Inspection Program.

Nybeck stated that Kelsey Page, former Greenwood Board representative and chair of the AIS Task Force, previously addressed this matter with the MCWD. The MCWD has made it clear their goals were to fund AIS prevention projects at this time rather than AIS management projects.

Meyer stated the City of Woodland would not be receiving a direct benefit in the proposed herbicide treatment of any of the documented suitable management areas within the Plan. However, they supported Option #2 based on the need to support the Lake as a whole. The city formerly supported the five year, herbicide treatment project (acknowledging Save the Lake funded up to \$30,000 per year and not the LMCD). He believed that: 1) the current decision to hold off expending Save the Lake funds has left a hole in fulfilling the funding of herbicide treatments and 2) the city would not support individual solicitation of funding from bay captains for treatments outside of their jurisdiction.

Morris stated that the City of Excelsior, who would receive a direct benefit from Option #2, supports Option #1 (acknowledging they provide a direct grant to the LMA for herbicide treatments and like the ability to contribute as they see fit). He stated that the city wanted him to express their displeasure in not receiving an Option #3 (providing for their levy to be cut by 5 percent).

Roy clarified, as a represented bay captain, that the solicitation of herbicide treatment funds from the individual member cities are being done so by the bay captains (with technical questions directed to the LMA). He acknowledged the City of Excelsior did contribute the standard \$5,000 for 2013 (\$2,500 each for Gideon and St. Albans Bays).

McDermott stated the City of Orono supports Option #1, although the city would receive a direct benefit from the proposed herbicide treatment management areas within the Plan. The city does not believe it would be the appropriate use of tax payers' dollars, as well as expressed concern in the use of chemicals.

Baasen stated the City of Wayzata directed him to vote for Option #2; acknowledging the same reasons as Hoelscher documented above.

Hughes stated the City of Spring Park supported Option #1 since the beginning of the budget process. The city does not believe that funds should be used to treat just specific bays (expressing the interest to

treat more than what was offered).

Green stated the City of Mound supported Option #1 for dollars and cents purposes only (acknowledging they do support herbicide treatment projects in general).

Morris confirmed that Option #2 would reduce funding to the Watercraft Inspection Program from \$30,000 to \$20,000. He questioned if Nybeck knew how that would impact the program as a whole.

Nybeck stated that the 2013 program expenses were estimated at \$42,000. Of this, the MCWD offered to match 50% of the total expenses incurred, a \$7,750 grant from the Minnesota Department of Natural Resources (MN DNR) had been secured, and the LMCD is responsible for the remaining expenses.

LeFevere stated that it would be a mistake for the Board to consider the motion made by Gross above as nothing but a moral commitment. The LMCD could not bind the current or future Board in the expenditure of those funds; offering examples of future Board action to expend those funds in other ways and the number of steps needed (i.e., a contract) just to get to the point of expending the funds.

MOTION TO AMEND: Sylvester moved, Hunt second to amend the original motion by: 1) eliminating the \$25,000 line-item to be transferred from the Administration Reserve Fund to the Equipment and Replacement Fund and 2) using these funds to reduce the overall levy to the member cities by \$25,000 (thus reducing this levy increase to approximately 9%).

Klohs re-stated his concern in voting for the earmark of herbicide treatment funds that continue to be undetermined as to how, when, and where they will be expended for such use.

The Board briefly discussed that matter, in which the following points were brought up: 1) that the Plan provides for the direction as to how the funds will be expended (based on various variables within the suitable management areas), 2) that herbicide treatments in 2014 are dependent upon this year's growth and treatment results, and 3) the expressed example of the chicken and the egg (one cannot plan for the treatments until there was a knowledge of available funds).

Shuff stated that the motion to amend does not provide for the Board members to address that option with their respective city. She asked if that time could be expended prior to acting on such.

LeFevere stated that State of Minnesota law requires the LMCD to certify the adopted budget to the member cities by July 1st. In regards to an adopted budget presented to a member city, a member city has the ability to request a hearing, in which the Board is obligated to hold (requiring notification to all on the request and any follow-up amendment to the budget). In considering the question and timing at hand, he stated it would be prudent to adopt a budget at this meeting (to secure certification prior to July 1st) but not distribute until after the June 26th Board meeting. This could allow for the Board to receive the member cities' input prior to its reconsideration.

McDermott expressed opposition on the proposed amended motion (based on the Equipment Replacement Fund already being under budget).

Sylvester reviewed other considered options to the harvesting program (i.e., sale lease back).

McDermott stated that he was not against other studies but expressed an interest in considering other funding options once those studies have been determined.

VOTE ON MOTION TO AMEND: Ayes (4; Hunt, Roy, Shuff, and Sylvester), Nays (9); motion to amend original motion failed.

VOTE ON ORIGINAL MOTION: Ayes (6; Baasen, Gross, Hoelscher, Meyer, Roy, and Sylvester), Nays (7); motion to adopted original motion failed.

MOTION: Hughes moved, Green seconded to approve and certify the draft 2014 LMCD Budget (Option 1) as submitted.

VOTE: Ayes (10), Nays (3; Baasen, Hunt, and Sylvester); motion carried.

Nybeck solicited the Board's interest in either scheduling this agenda item for consideration at their June 26th meeting or moving forward by working with the Hughes in the drafting of a cover letter to the member cities for the submittal/certification of the 2014 LMCD Budget (Option #1).

McDermott was in favor of directing staff to work with Hughes on the latter option, in which the Board did not provide an objection to.

Gross requested clarification that Save the Lake funds are not available for herbicide treatments in 2013 and requested direction for this option in 2014.

Baasen confirmed that Save the Lake Funds were not available for herbicide treatments in 2013. However, he confirmed the AIS Task Force can submit a request for such use for the 2014 season.

Morris, speaking on behalf of the AIS Task Force, confirmed the Task Force was not against herbicide treatments; based on their merits and historical results. The only question remained as to who would pay for the treatments.

C. 2013 EWM Harvesting Program, staff update on project

Baasen asked Harper for an update on this agenda item.

Harper made the following comments:

- A whole Lake assessment on the existence of Eurasian Watermilfoil (EWM) took place on June 7th, in which they found very little growth (two to three weeks behind in growth compared to historical years).

- The program is planned to utilize the South Upper Lake option.
- Monitoring of the EWM growth will continue. However, as of this date, launching of the equipment will take place on Thursday, June 20th (with training of seasonal employees on the 24th and initiation of harvesting on the 25th).
- He maintains active communication with representatives involved in the management of whole bay or large scale herbicide treatments.
- The LMCD works closely with Gabriel Jabbour (Tonka Bay Marina) in the launching of the harvesters (including follow through in the Board's approved purchase of the harvester stands that have all been received).
- He entertained questions and comments from the Board.

A few questions and comments were provided by the Board, in which Harper confirmed the following:

1) the launching of the equipment will be about ten days passed the 2012 launch date of June 10th,
2) typically dense areas of the Lake had little to no growth, and 3) that the LMCD is fully staffed, in which we are working with them on the late start date.

E. Coldwell Banker Burnet, approval of a Commercial Contract for Exclusive Right to Represent Tenant

Baasen stated that Bill Wolfson of Coldwell Banker Burnet (at a Workshop/Planning Session held prior to this Board meeting) offered his professional services in representing the LMCD in the renegotiation of the current lease (expiring at the end of August) or the search and negotiation of a new lease at a different site. Mr. Wolfson provided an overview of comparable office space that is currently available and what could be offered in the renegotiation of the current lease. Prior to moving forward, Baasen stated that the Board would need to consider approval of a Commercial Contract for Exclusive Right to Represent Tenant (that was provided and reviewed at the Workshop/Planning Session). He asked LeFevere to provide an overview of that document.

LeFevere stated that the contract proposed by Wolfson was in standard format, with the addition of a \$2,500 obligation to the LMCD upon the execution of a lease agreement (subject to its reduction from any credits that he may receive, i.e., commission, etc.). He believed that it was a good idea for the LMCD to have professional representation and recommended the Board consider appointing members to assist Nybeck and Wolfson on this process.

Green asked if the LMCD would be obligated to pay the documented retainer fee if the LMCD were to proceed in signing a lease with the City of Mound, which was provided to the LMCD prior to the consideration of this agreement.

LeFevere confirmed that if the contract were to be approved, the LMCD would be obligated for some or all of the retainer fee if a lease was executed with the City of Mound (acknowledging that Wolfson had communicated he would be fair in that regard). He believed that Wolfson would be earning some of the retainer fee by initiating the communication process in the interim.

Baasen believed that the LMCD would benefit from retaining a representative that has the expertise in this regard.

MOTION: Roy moved, Hunt seconded to approve the Commercial Contract for Exclusive Right to Represent Tenant, as presented, in obtaining the professional services of Bill Wolfson of Coldwell Banker Burnet.

Meyers recommended staff plan on initiating this process sooner in the future so that more than one professional representative can be considered by the Board.

VOTE: Ayes (11), Abstained (2, Green and Shuff); motion carried.

10. Update from standing LMCD Committees:

Baasen asked for an update from the Chair, or designated representative, of each committee (Save the Lake, AIS Task Force, Finance, Personnel, Public Safety, and Ordinance Review).

Hughes stated the Public Safety Committee will be meeting in the near future to review winter safety matters (including emergency signage), as well as the Schwendimann Quiet Water Area request.

Morris stated the Aquatic Invasive Species (AIS) Task Force will be meeting on June 14th at 8:30 a.m. in the LMCD office.

Nybeck stated that an Ordinance Review Committee meeting was scheduled for June 19th at 6:00 p.m. in the LMCD office.

Baasen directed the Board to a handout from the June 10th Save the Lake Boater Education Safety Subcommittee meeting. He asked Hughes to provide an overview of the subcommittee's direction to date.

Hughes stated the subcommittee was hoping to work with a company out of Texas so that unique Lake Minnetonka rules could be utilized as a separate link from the MN DNR's on-line course for the youth operators permit. This option has not come to fruition and the sub-committee is proposing a one day, eight hour pilot course that will include a guided session of the current MN DNR online study guide, quizzes, and final exam (which would include outlining the differences in laws between the two agencies). He provided a detailed overview of the proposed training.

Baasen stated the Save the Lake Committee has raised \$5,000 for this project (providing for no Save the Lake Funds being utilized to date). He stressed the importance of trying to accomplish this goal in a financially responsible manner that will allow for the reinforcement of additional values in navigating a watercraft in a very busy area. Other Save the Lake matters included the current distribution of the spring/summer Save the Lake solicitation letter (highlight not only this program, but also the solar light program, aerial campaign, etc.) and that there will be a Save the Lake Committee meeting on June 24th at 8:00 a.m. in the LMCD office.

There was no report from the Finance and Personnel Committees.

11. EXECUTIVE DIRECTOR REPORT

Nybeck highlighted the following information:

- Today's Lake level reading was 929.50' (with a discharge 50 c.f.s.). He stated that staff will continue to monitor the water level readings.
- The LMCD has received multiple inquires in one week relative to the rules and regulations regarding bow fishing on Lake Minnetonka. It has been helpful for staff to communicate the Board's recently adopted ordinance, as well as directing all to the LMCD website. Staff has been communicating the matter with member cities so that all are responding in the same manner.
- The 6^h annual Boat in Theater event will be held on Friday, July 12th.

LeFevere recommended the Board consider appointing some Board members to work with Nybeck and Wolfson on this process. Baasen, Green, Hughes, Klohs, and McDermott agreed to assist on this.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:08 p.m.

Dan Baasen, Vice Chair

Andrew McDermott, Secretary